STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 26, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:05MD-099

MAUI

Issuance of Right-of-Entry Permit to Hawaiian Telcom, Inc. on Lands Encumbered by Grant of Easement Bearing Land Office Deed No. S-24475, Makawao, Maui, Tax Map Key: (2) 2-7-7:portion 5.

APPLICANT:

Hawaiian Telcom, Inc., a Hawaii corporation, whose business and mailing address is Box 2200, Honolulu, Hawaii 96841.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Papaanui situated at Makawao, Maui, identified by Tax Map Key: (2) 2-7-7:portion 5, as shown on the attached map labeled Exhibit A.

AREA:

124 meters long and 10 feet wide, more or less.
.500 acres, more or less.

ZONING:

State Land Use District: Conservation
County of Maui CZO:

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES _____ NO ___x

CURRENT USE STATUS:

Encumbered by Land Office Deed No. 24475, Federal Aviation Administration, Grantee, for perpetual access purpose; and

Land Office Deed No. 26914, Maui Electric Company, Grantee, for perpetual utility easement purposes.

CHARACTER OF USE:

Restoration work purposes.

TERM OF RIGHT-OF-ENTRY:

Six (6) months

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item No. 2 that states "Routine and emergency removal of boulders, rocks, fallen trees and other debris necessary to maintain state lands in a safe condition."

DCCA VERIFICATION:

Place of business registration confirmed:	YES	x	NO	
Registered business name confirmed:	YES	x	NO	
Applicant in good standing confirmed:	YES	x	NO	

APPLICANT REQUIREMENTS:

None

REMARKS:

By letter dated January 14, 2005, Mr. Calvin Chow, Lead Network Engineer with Hawaiian Telcom, Inc. formerly Verizon Hawaii Inc requested a right-of-entry for into the Haleakala Summit area for construction equipment needed to restore eroded area immediately surrounding their ductline. Heavy rainfalls in November and December 2003, caused extensive erosion of the southwestern slope. The erosion exposed a large portion of Hawaiian Telcom existing buried conduit system that extends from their Haleakala Microwave Station to the Observatory site. (Exhibit B)

The Land Board at its meeting of October 22, 1965, under agenda Item F-29, authorized the direct issuance of a lease to Hawaiian Telephone Company for a microwave station site with appurtenant power and communication line rights of way in the Science Reserve area on Mt. Haleakala for a term of 65 years. General Lease No. S-4028 was executed, effective July 1, 1966 to June 30, 2031.

Comments were solicited and their statements are listed below:

DOFAW	Request they meet with Maui wildlife biologist Mr. John Medeiros to review their work plan.
Historic Preservation	Recommend no action be taken until an archaeological field inspection has been conducted to determine whether significant historic sites are present. Report submitted by letter dated 1/14/05. (Exhibit C)
OCCL	No comments
FAA	Coordinate work with Maui System Support Center.
UH Astronomy	No comments

Historic Preservation concerns were forwarded to Mr. Choy. By letter dated March 20, 2006, Ms. Tanya L.Lee-Greig, M.A. submitted an Archaeological Field Inspection Report (Exhibit C) to State Historic Preservation Division.

RECOMMENDATION:

That the Board, authorize the issuance of a right-of-entry permit to Hawaiian Telcom, Inc. covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;

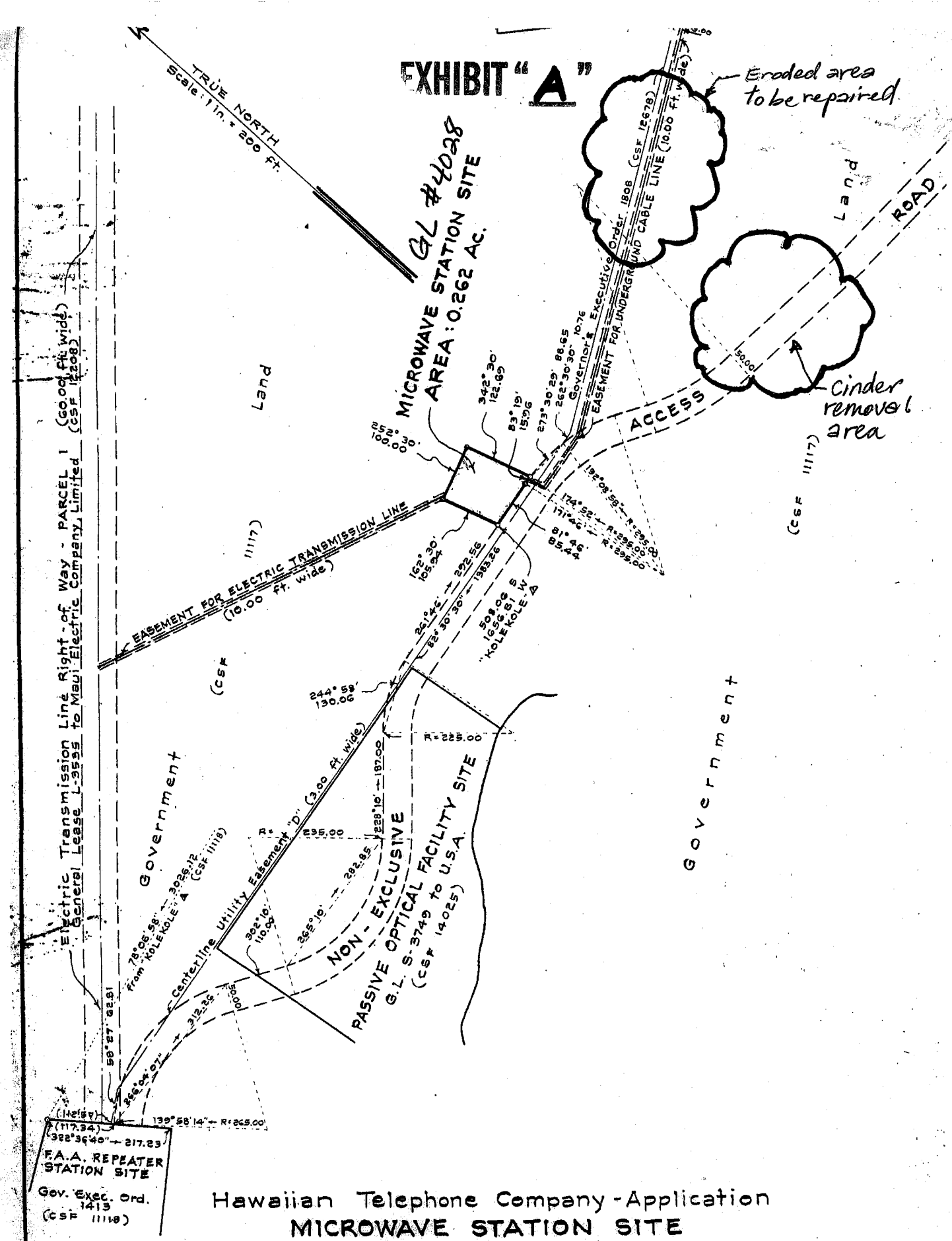
2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:

Peter T. Young, Chairperson



Hawaiian Telephone Company - Application

MICROWAVE STATION SITE

Papaanui, Makawao (Honuaula), Maui, Hawaii

Scale: 1 inch = 200 feet

JOB 3348

C. BK 16, Sakamoto

TAX MAP 2-2-07

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

C.S.F. No. 14918

L.S. April 12, 1966

EXHIBIT "A"

51084

PY

verizon

Verizon Hawaii Inc.
P.O. Box 2200
Honolulu, HI 96841

RECEIVED
'05 JAN 21 A8:29
DEPT OF LAND & NATURAL RESOURCES
STATE OF HAWAII

RECEIVED
2005 JAN 21 P 2:53
LAND DIVISION

January 14, 2005

Mr. Peter Young, Director
State of Hawaii
Department of Land & Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Young:

Subject: Restoration Work, Haleakala Summit, Adjacent to "Haleakala Peripheral HI Site" - Tax Map Key: 2-2-07:5

Surface runoffs, resulting from heavy rainfalls during November and December 2003, caused extensive erosion to the existing slopes along the edges of Haleakala Peripheral Hi Site atop of the Haleakala Summit. The extensive volume of surface runoffs from the Haleakala Observatory Site overwhelmed the existing containment area in the adjoining Haleakala Peripheral Hi Site. The subsequent runoff from the containment area resulted in extensive erosion of the southwestern slope of the site. This erosion has also exposed a large portion of our existing buried conduit system that extends from our Haleakala Microwave Station to the Observatory site. Most of the eroded cinder was deposited onto and blocking the existing access road west of the Observatory that leads to the FAA repeater site near our microwave station. Much of the material is still piled along the access road after having been temporarily moved there by the U. S. Park Service.

We are requesting a temporary right of entry into the summit area for construction equipment needed to restore the eroded area immediately surrounding our exposed ductline. We are also requesting permission to remove much of the cinder currently piled along side of the access road that was temporarily placed there by the U. S. Park Service personnel who were initially asked to help clear the access road. The material being relocated is from the erosion of the slope above the roadway. According to the Park Service personnel the removal will assist in restoring roadway profile along with the existing drainage swales that are currently filled with material pushed off of the travel way during the initial clearing effort. These swales normally divert runoff from the roadway during normal rainfall in the area. There is some concern that runoff from normal rainfall is currently causing erosion in other areas along the roadway.

The proposed work is the most direct and provides the least impact as it will use existing access roadways and material previously disturbed by the heavy rainfall. The off-road work areas are entirely within areas previously disturbed by the surface runoff. Other than the area along the access road where eroded material will be recovered and placed

EXHIBIT "B"

back in its original location along the slope, the area being restored is entirely within the areas previously disturbed and traversed during the original conduit installation and should not impact any areas not previously disturbed. The proposed restoration work area will be limited to an area immediately adjacent to and within the Verizon Hawaii easement and should not result in any cumulative affects to the existing environment.

We propose using a contractor, Goodfellow Brothers, who has previously worked in the summit area and is aware of the cultural significance and environmental sensitivity of the area. To insure that our repair/restoration efforts will not affect any rare, threatened or endangered plants our contractor and Verizon representatives will meet with your Division of Forestry and the National Park Service personnel at the site to review our proposed route and work plan activities.

The attached plan lays out the anticipated work areas affected by our proposed plan. The plan has been discussed with representatives of the National Park Service and a member your Division of Land Management to insure they are aware of our intentions. While the actual work activity is estimated to take about three to four weeks, the location and varied weather conditions at the summit make it difficult to estimate the actual time it will take our contractor to fully complete the anticipated restoration.

Given the exposure of our existing facilities and the potential for further damage and service disruption to the users, your favorable consideration to our request will be greatly appreciated.

If you or your staff require additional information or assistance with our request, please have them call me at 840-5822.

Sincerely,

Calvin C W Choy

840-2960 Fax

Calvin C. W. Choy
Lead Network Engineer

Attachment

Cc: W. Cabral
L. Yoshida
W. Tanabe
B. Cheung - DL&NR
F. Baublit - NPS
S. Pawlak - Goodfellow Bros.

Cultural Surveys Hawai'i Inc.
Archaeological and Cultural Impact Studies
Hallett H. Hammatt, Ph.D., President

Providing Excellence in Cultural Resources Management

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Lawai, HI 96765
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CSH Job Code: HALE 21

Monday, March 20, 2006

Melissa Kirkendall, Ph.D. – Maui Island Archaeologist
Department of Land and Natural Resources
State Historic Preservation Division
130 Mahalani Street
Wailuku Maui 96793

Subject: Regards an Archaeological Field Inspection for the Proposed Hawaiian Telcom (Verizon) Conduit Restoration Project, Haleakalā, Papa'anui Ahupua'a, Makawao District, Maui Island [TMK (2) 2-7-007:005 por. and 007 por.]

Dear Dr. Kirkendall:

At the request of Mr. Calvin Choy of Hawaiian Telcom, Inc., an archaeological field inspection of the eroded portion of the Hawaiian Telcom cable easement and area of proposed cinder and soil reclamation (Attachments 1 and 2) was conducted by Tanya L. Lee-Greig, M.A. of Cultural Surveys Hawai'i, Inc on December 27, 2005 in the company of Hawaiian Telcom personnel. A subsequent inspection was made on January 20, 2006 following a brief review of the previous archaeological work in the area.

Project Background

Hawaiian Telcom, formerly Verizon Hawai'i, is proposing to backfill the eroded and exposed portion of their cable easement (Attachments 3 and 4), that runs from the upper road fronting the former catch basin area for Science City southwest toward the FAA Repeater Station Site. The eroded cable easement and subsequent exposure of the Hawaiian Telcom cable lines is a direct result of mass erosion caused by the heavy winter rains of 2003. The sediment to be used for backfill will consists of the loose cinder that has been pushed to the north and south side of the access road from Science City to the FAA Repeater Station Site (Attachment 5). The cinder and soil accumulation along this access road is a result of sediments displacement from the heavy rains of 2003. Following the erosional event, personnel from Haleakala National Park cleared the road with heavy machinery by piling the sediments on either side. Hawaiian Telcom is proposing to reclaim the sediment that had been displaced and use that material to backfill the eroded cable trench. In order to discourage continuing erosion through the cable easement, Hawaiian Telcom is also proposing to patch and insert a curb along the portion of the access road located at the bottom of the catch-basin to divert run-off from Science City (Attachment 6). The areas of potential effect (APEs) for this project are two-fold: 1. the eroded portion of the underground cable easement measuring approximately 124 m long and 10 ft wide; and 2. the soil reclamation area measuring less than on-half acre in size (circa 0.4 acres). As a part of the National Historic Preservation Act Section 106 Review by the State Historic Preservation Division (Log No: 2005.0579, Doc No: 0503CD34), the division expressed some concern for the possible presence of historic properties within the areas of potential effect based on the presence of previously recorded historic properties (50-50-15-4098 through -4102 [Masterson et al. 1995].) This field inspection was conducted to address these concerns and provide recommendations with regards to further archaeological work, if

EXHIBIT "C"

appropriate or mitigation recommendations if there were archaeologically sensitive areas in or near the areas of potential effect.

Natural Environment

The cable easement is located on a moderate and rocky cinder slope under sediments classified as cinder land (rCl) and consists of a loose mixture of cinders, pumice, and ash (Foote et al. 1972: 29). The sediments are black, red, yellow, brown, or variegated in color and show little to no evidence of soil development. The sediments to be used as backfill for the eroded cable easement consists of the same loose material located within the cable easement. While cinder land sediments do support some vegetation, the current area of potential effect is currently clear of any vegetation.

Result of Previous Archaeology Review and Field Inspection

A brief review of previous archaeological inventory survey work in the vicinity of the underground cable easement turned up two previously recorded historic properties within the vicinity of the project APEs. State Inventory of Historic Places Number (SIHP) 50-50-15-4836 (Bushnell and Hammatt 2000) is located approximately 133 meters east of the cable easement and consists of seven features were interpreted as pre-contact temporary habitation and recommended for preservation. According to the subsequent preservation plan for SIHP-4836 (Bushnell and Hammatt 2001) an interim protective buffer of 50 feet (15.25 m) is in place. SIHP 50-50-15-2808 (Chatters 1991) is located approximately 150 meters east of the cable easement and consists of three structural features also interpreted as pre-contact temporary habitation features. The historic sites identified and recorded by Masterson and others (1995) were located approximately 830 meters southwest of the soil reclamation area. The nearest historic site identified during this 1995 study, SIHP 50-50-15-4102, consisted of a stacked wall segment interpreted as a historic to modern era hunting blind.

The field inspection of December 27th and January 20th consisted of a cursory pedestrian examination of the areas of potential effect. A Garmin GPSmap 76 GPS unit was used to locate the extent of the eroded cable trench and the location of the accumulated sediments slated for reclamation. Digital photos were taken to record the physical features of each location of concern. This archaeological field inspection verified that there are no historic properties located along the road fronting the catch basin area or the eroded portion of the underground cable easement. Inspection of the soil reclamation area revealed no historic properties present on the surface area in or around the area of potential effect. Analysis of the GPS data collected during the field inspection in relation to previously identified historic properties shows that the two areas of potential effect, the eroded cable easement and area of soil reclamation are located at a considerable distance from SIHPs -4836 and -2808.

Summary and Recommendations

Based on the above field inspection and brief review of previous archaeological work, a recommendation of no adverse effect along the existing cable easement and catch basin area is suggested. Because there will be a significant amount of cinder and sediment removal from the reclamation area, and due to the fact that there is a possibility for cultural materials within and beneath accumulated sediments, archaeological monitoring of the soil reclamation process is recommended. The recommendations made here concern the project effect for existing or potential archaeological sites only. The summit of Haleakalā holds extensive cultural and religious significance to Native Hawaiians and is regarded as a *Pu'u Honua* or sacred place. For Maui, the summit is identified as the most sacred place for the entire island as it is the dwelling place of the gods and goddesses (CKM Cultural Resources 2003). As such, the entire crater and summit can be considered a significant cultural resource and steps may need to

EXHIBIT "C"

be taken prior to or during the course of the cable easement restoration project with regards to Native Hawaiian cultural protocol (see CKM Cultural Resources 2003).

If you have any further questions or concerns regarding this field inspection, please feel free to contact me at either our Wailuku location (808) 242-9882 or via e-mail at leegreig@culturalsurveys.com.

References Cited

Foote, Donald E., E. L. Hill, S. Nakamura and F. Stephens
1972 *Soil Survey of the Islands of Kaua'i, Oahu, Maui, Moloka'i and Lana'i, State of Hawaii*, U.S. Dept. of Agriculture, U.S. Government Printing Office, Washington, D.C.

Bushnell, K.W. and Hallett H. Hammatt
2000 An Archaeological Inventory Survey of 1.5 Acres of the University of Hawai'i Facility at Haleakalā, Papa'anui Ahupua'a, Makawao District, East Maui (TMK 2-2-07:8) Cultural Surveys Hawai'i, Inc., Kailua, HI.

Bushnell, K.W. and Hallett H. Hammatt
2001 Interim Historic Preservation Plan for Sites 50-50-11-4835 and 50-50-11-4836 at the University of Hawai`i Facility at Haleakala, Papa`anui Ahupua`a, Makawao District, East Maui (TMK 2-2-07:8) Cultural Surveys Hawai'i, Inc., Kailua, HI.

Chatters, J.C.
1991 Cultural Resources Inventory and Evaluation for Science City, Conduct for Expansion of the Maui Space Surveillance Site, Haleakala, Maui. Battelle Environmental Management Operations, Richland, WA.

Masterson, Ian A., William Folk, and Hallett H. Hammatt
1995 An Archaeological Inventory Survey and Subsurface Testing of the Proposed Kalepeamoa Transmitter Site, Makawao, East Maui (TMK 2-2-07: portions 1 and 5). Cultural Surveys Hawai'i, Inc., Kailua, HI.

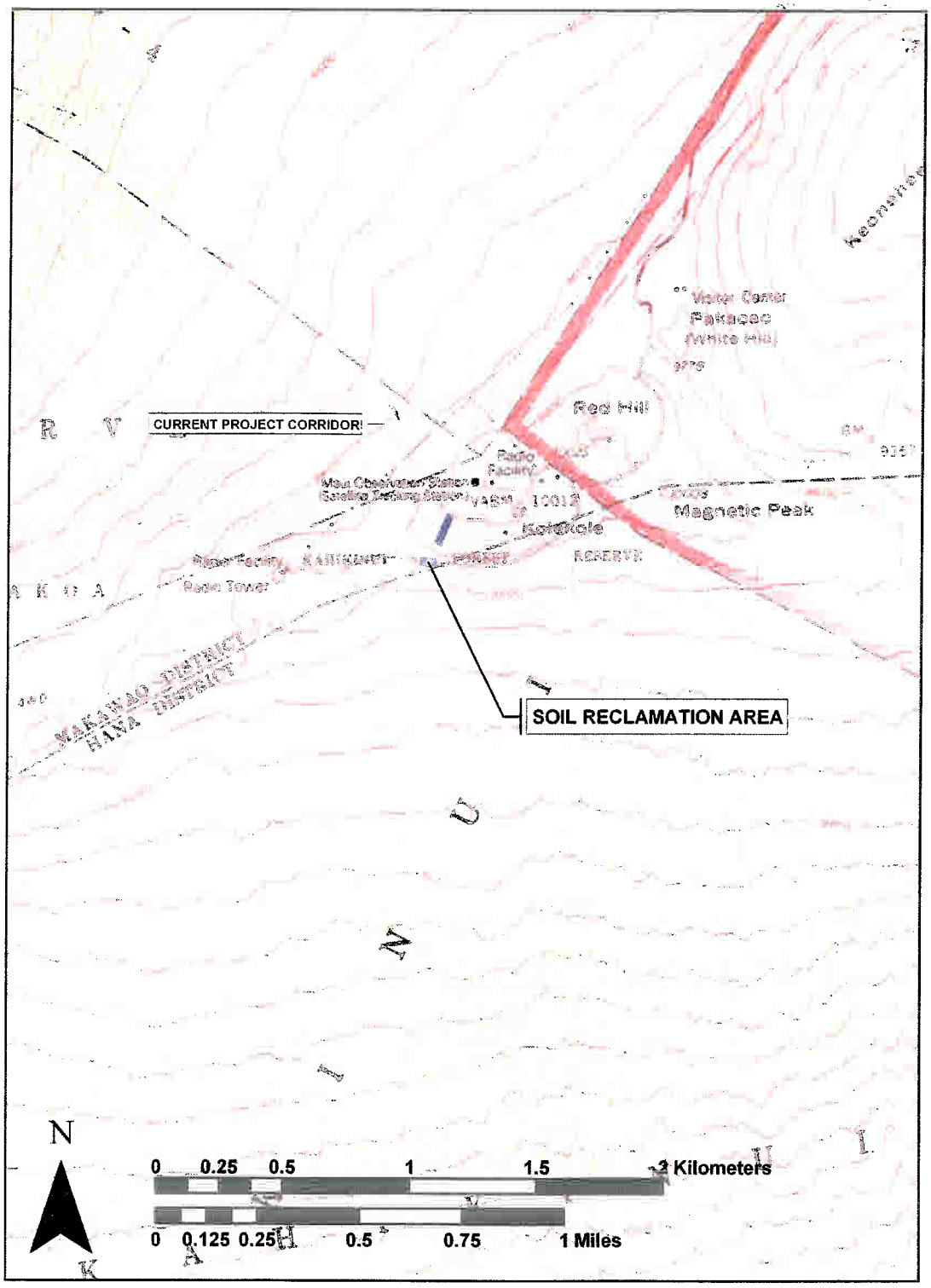
CKM Cultural Resources
2003 "Kū I Ka Mauna" Upright At The Mountain: Cultural Resources Evaluation for the Summit of Haleakalā. Prepared for KC Environmental, Inc. Makawao, HI http://www.ifa.hawaii.edu/haleakala/LRDP/images/AppendixF.pdf, last accessed January 2005.

Sincerely,

Tanya L. Lee-Greig, M.A.
Maui Manager
Cultural Surveys Hawai'i, Inc.

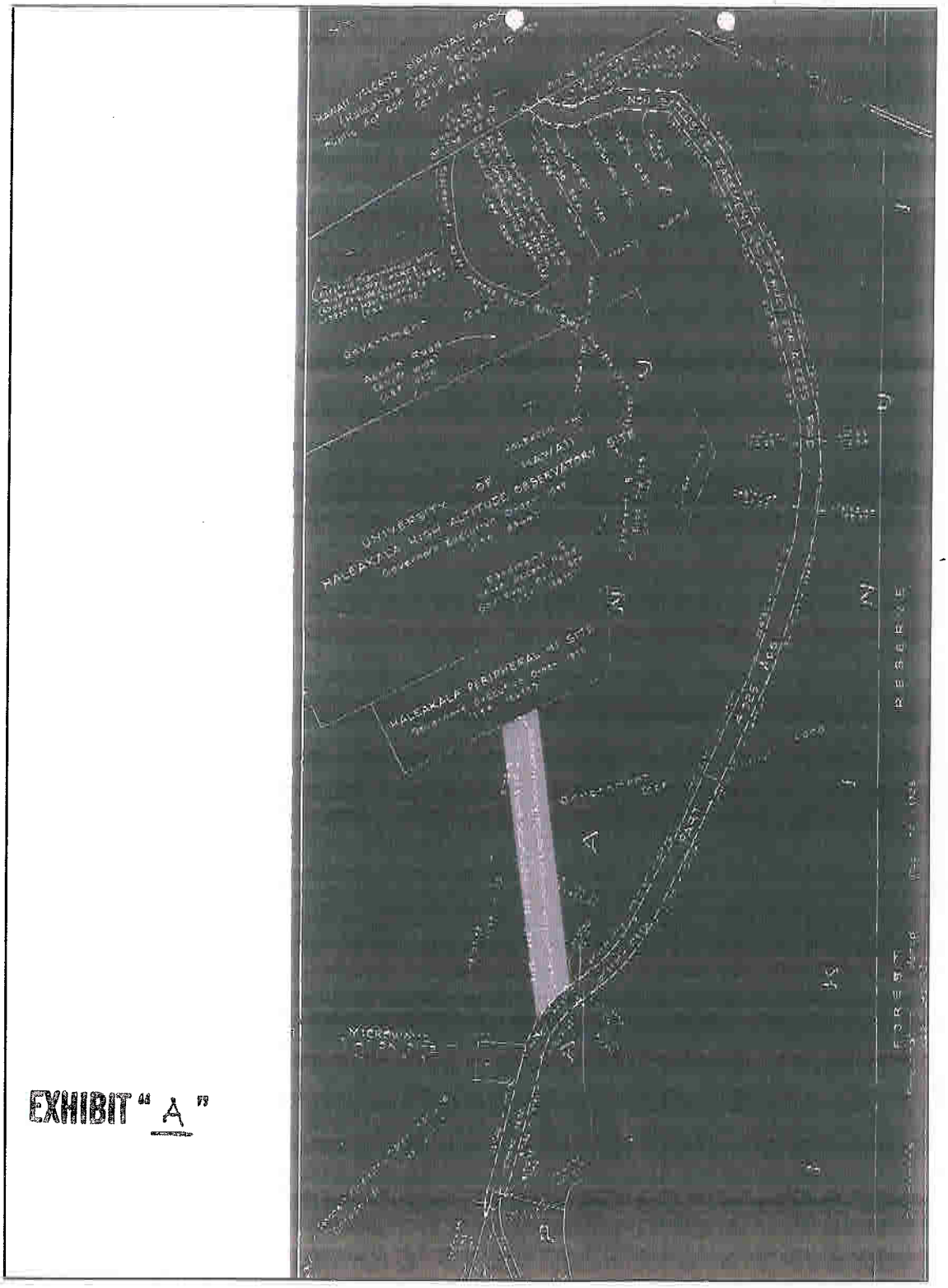
Cc Mr. Calvin Choy – Hawaiian Telcom
Ms. Charlene Inoki – Department of Land and Natural Resources/Land Division, Assistant Administrator

EXHIBIT "C"



A portion of the U.S.G.S. Kilohana topographic quadrangle (1981) and Lualailua Hills topographic quadrangle (1983) showing eroded section of the Hawaiian Telcom cable easement and soil reclamation area.

EXHIBIT "e"



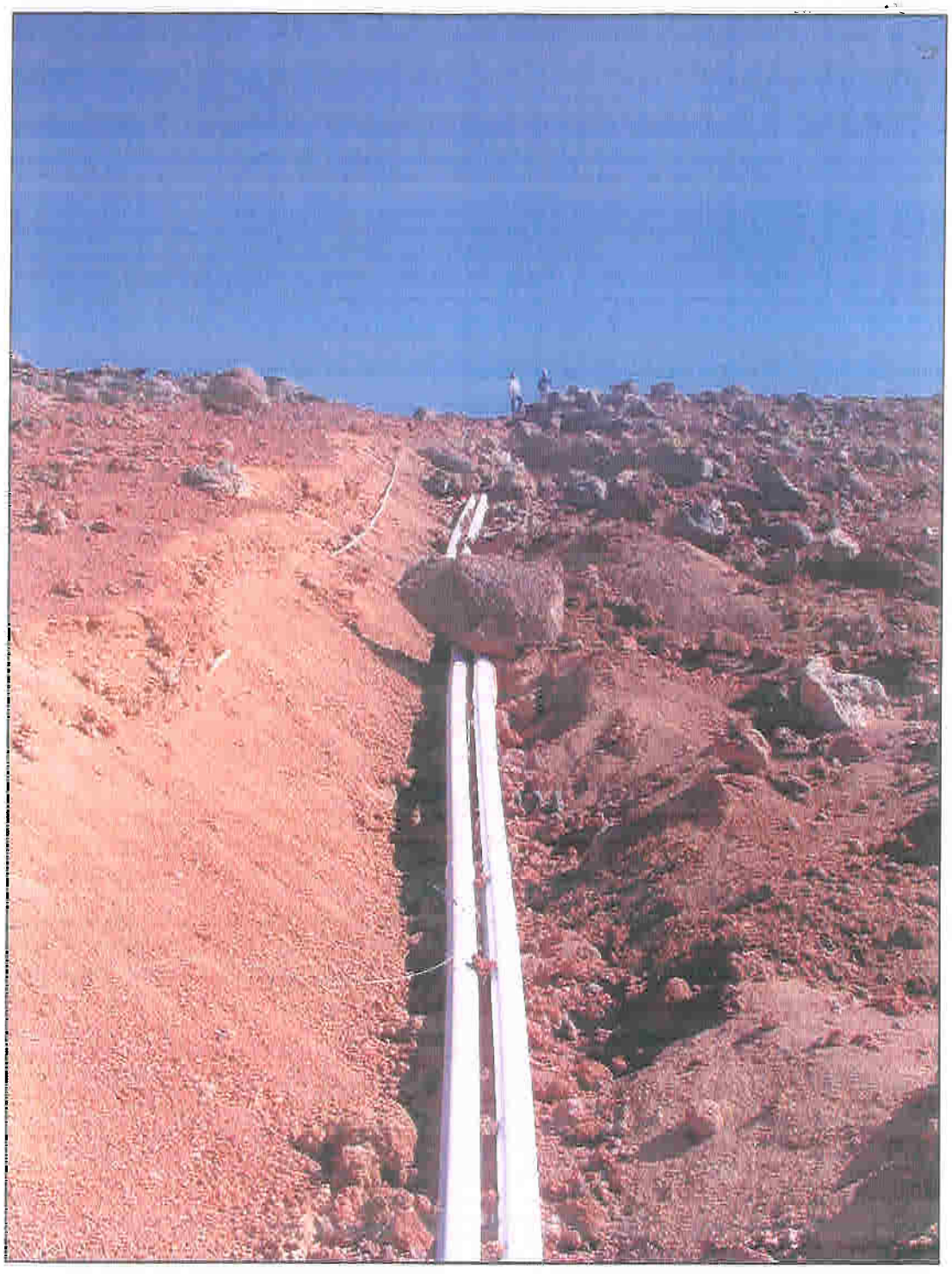
Copy of blueprint showing location of cable easement (highlighted in gray) in relation to Science City and Microwave Station, map provided courtesy of Mr. Calvin Choy – Hawaiian Telcom.

EXHIBIT "C"

Eroded cable corridor, view to southwest

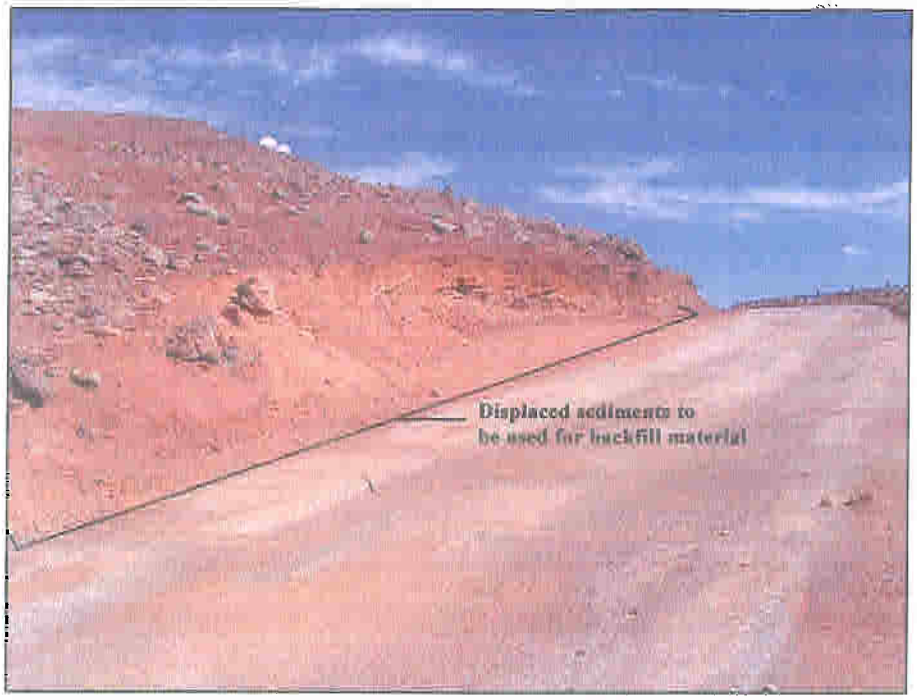
End of eroded portion of the cable easement, view to south

EXHIBIT "e"

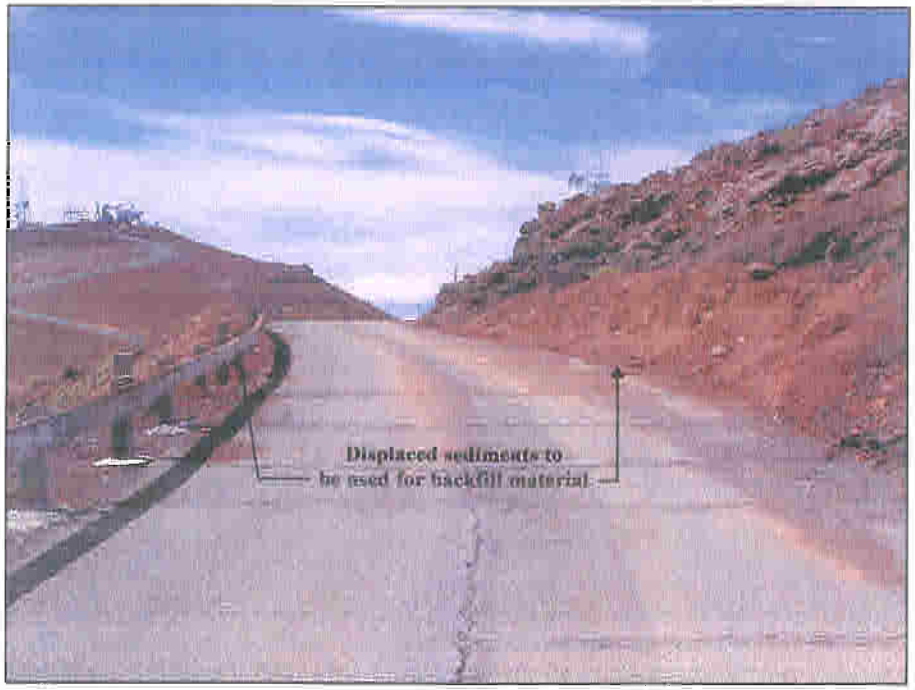


Overall view from the downslope end of the eroded portion of the cable corridor, individuals are at the access road fronting the catch basin area, view to northeast

EXHIBIT "c"



Sediment accumulation along the north side of the access road leading to the FAA Repeater Tower, view to east



Sediment accumulation on the north and south side of the access road leading to the FAA Repeater Tower, view to west

EXHIBIT "C"

Headward erosion of cable easement and affected portion of asphalt access road to be curbed for run-off diversion

EXHIBIT "E"